

..Title

Adopt Resolution to:

- a. Ratify the submittal of grant application by the County of Monterey Public Defender to the State of California Board of State and Community Corrections (BSCC) for the Public Defense Pilot Program Grant in the amount of \$529,993 to fund the Public Defender's Resentencing Advocacy and Youthful Offenders (RAY) Pilot Program for FY 2023-2024; and
- b. Authorize acceptance of a grant award of \$529,993 for deployment and implementation of the Public Defender's RAY Pilot Program for FY 2023-2024; and
- c. Authorize the Public Defender or Assistant Public Defender to execute Amendment No. 1 to the Grant Agreement with BSCC, adding \$529,993 for deployment and implementation of the Public Defender's RAY Pilot Program for FY 2023-2024, for a total Grant liability of \$1,055,750, for the same grant period of March 1, 2022 through March 1, 2025; and
- d. Approve the delegation of authority to the Public Defender or Assistant Public Defender to act on the County's behalf to carry out and consummate all transactions contemplated during the grant period; and
- e. Approve an increase in appropriations and estimated revenues of \$529,993 for Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2023-24 Adopted Budget (4/5ths vote required); and
- f. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2023-24 Adopted Budget, and the County Administrative Office to reflect these approved changes in the FY 2023-24 Recommended Budget.

..Report**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

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- a. Ratify the submittal of grant application by the County of Monterey Public Defender to the State of California Board of State and Community Corrections (BSCC) for the Public Defense Pilot Program Grant in the amount of \$529,993 to fund the Public Defender's Resentencing Advocacy and Youthful Offenders (RAY) Pilot Program for FY 2023-2024; and
- b. Authorize acceptance of a grant award of \$529,993 for deployment and implementation of the Public Defender's RAY Pilot Program for FY 2023-2024; and
- c. Authorize the Public Defender or Assistant Public Defender to execute Amendment No. 1 to the Grant Agreement with BSCC, adding \$529,993 for deployment and implementation of the Public Defender's RAY Pilot Program for FY 2023-2024, for a total Grant liability of \$1,055,750, for the same grant period of March 1, 2022 through March 1, 2025; and
- d. Approve the delegation of authority to the Public Defender or Assistant Public Defender to act on the County's behalf to carry out and consummate all transactions contemplated during the grant period; and
- e. Approve an increase in appropriations and estimated revenues of \$529,993 for Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2023-24 Adopted Budget (4/5ths vote required); and
- f. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2023-24 Adopted Budget, and the County Administrative Office to reflect these approved changes in the FY 2023-24 Recommended Budget.

SUMMARY:

The Public Defender office applied and was awarded a Public Defense Pilot Program grant through the State of California Board of State and Community Corrections (BSCC) in the amount of \$1,055,750.63 to be funded for a period commencing on March 1, 2022, through March 1, 2025. The Public Defender Office received \$525,757 in FY 2021-22. The Board of State and Community Corrections (BSCC) requires formal authorization to receive year two funding in the amount of \$529,993.07 for FY 2023-24.

DISCUSSION:

The Board of State and Community Corrections (BSCC) is an independent statutory agency that provides leadership and technical assistance to the adult and juvenile criminal justice systems, expertise on Public Safety Realignment issues, a data and information clearinghouse, and provides assistance on a wide range of community corrections issues. The BSCC also administers public safety related to grant funding, including evidence-based practices to fight gangs, and works to address the over-representation of youth of color in the juvenile justice system.

The Budget Act of 2021 (Senate Bill 129) appropriated funding for the Public Defense Pilot Program to each county for indigent defense providers, including public defenders, alternate defenders, and other qualifying entities that provide indigent defense in criminal matters for the purposes of workload associated with the provisions in paragraph (1) of subdivision (d) of Section 1170 of, and Sections 1170.95, 1473.7, and 3051 of, the Penal Code.

Currently, the Public Defender's office cannot meet the needs resulting from Senate Bill 129 with the existing resources and staff. Attorneys will be consuming cases affected by the above changes in legislation requiring analysis and review in addition to their current caseloads. Supplementary support from legal assistants and experts will also result in a work product increase required by 1473.7 motions made under the Racial Justice Act (RJA), the fact-intensive nature of proceedings under 1437.7, 3051, and 1170.95 will require substantial investigative efforts in matters that are decades old.

Funds awarded under the Public Defense Pilot Program will be utilized to continue funding the Public Defender's office deployment of an attorney position and Legal Assistant to provide indigent defense services under the Racial Justice Act (California Penal Code section 745) and the Youthful Offender Parole Act (California Penal Code section 3051).

OTHER AGENCY INVOLVEMENT:

The County Administrative Office has reviewed the recommendation. Budget Committee approved the item on June 28, 2023 (Legistar File No. BC 23-073).

FINANCING:

The Public Defender's office seeks Board Approval of a budget increase in appropriations and

revenues of \$529,993.07 for Public Defender Budget Unit 001-2270-PUB001-8169 in the FY 2023-24 Adopted Budget. The grant awarded under the Public Defense Pilot Program Grant requires no financial leveraging through other federal, state, or local funds or other social investments. There will be no impact on the County General Fund

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation meets the Board's strategic initiatives by promoting an organization that practices efficient and effective resource management and by creating a safe environment for communities to thrive and grow while reducing violent crimes.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☒ Administration
☐ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Approved by: Susan E. Chapman, Public Defender, Ext. 5806

Attachments:

Resolution

PDPP Monterey County BSCC 332-21 Amendment 1

Public Defense Pilot Program Agreement & Application